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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/033,461	12/27/2001	Waikwan Hui	P6630	8374
45774	7590	09/23/2005		
KUDIRKA & JOBSE, LLP ONE STATE STREET, SUITE 800 BOSTON, MA 02109			EXAMINER PYZOCHA, MICHAEL J	
			ART UNIT 2137	PAPER NUMBER

DATE MAILED: 09/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/033,461

Applicant(s)

HUI, WAIKWAN

Examiner

Michael Pyzocha

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>20040804</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. Claims 1-40 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6, 10, 20-21, 23, 25-27, 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Micali (US 5717757) and further in view of Carroll (US 6105131).

As per claims 1 and 20, Micali discloses a communication network; a server coupled to said communication network for determining a revocation status of a digital certificate in response status request; a client coupled to said server through said communication network for transmitting said status request to said server, wherein a reply from said server to said client notifies said client of said revocation status; and transferring said reply automatically (see column 5 line 63 through column 6 line 5).

Micali fails to disclose an on-line secure communication session over said communication network between said client and said server for securely transferring said reply automatically.

However, Carroll teaches such a secure communication session (see column 2 lines 56-67).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Carroll's secure communication to transmit Micali's response.

Motivation to do so would have been to provide end-to-end secure communications.

As per claim 2, the modified Micali and Carroll system discloses the digital certificate is associated with information requested by said client and transferred to said client by said server (see column 5 line 63 through column 6 line 5 and column 1 lines 58-65).

As per claims 3-4, and 23, 25, the modified Micali and Carroll system discloses the use of SSL for authentication and secure communications (see Carroll column2 lines 56-67).

As per claims 5-6, and 26-27, the modified Micali and Carroll system discloses the use of a current CRL (see Micali column 2 lines 15-40).

As per claim 10, modified Micali and Carroll system fails disclose the request being a HTTP POST request.

However, Official Notice is taken that at the time of the invention it would have been obvious to one of ordinary skill for the modified Micali and Carroll request to be a POST request. Motivation to do so would have been to all for the use of HTTP.

As per claims 21 and 30, modified Micali and Carroll system discloses securely transferring the revocation status before transferring any other information (see column 5 line 63 through column 6 line 5).

As per claim 29, modified Micali and Carroll system discloses notifying the client of the revocation status without including a second digital certificate authenticating said replay over the secure communication session (see column 5 line 63 through column 6 line 5).

4. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Micali and Carroll system as applied to claim 20 above, and further in view of Rubin et al (US 20020099822).

As per claim 22, the modified Micali and Carroll system fails to disclose polling the system for the certificate information.

However, Rubin et al teaches polling for certificate information (see paragraph 5).

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At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Rubin et al's method polling to obtain the certificate information of the modified Micali and Carroll system.

Motivation to do so would have been to distribute revocation information to verifiers.

5. Claims 9, 11-14, 17-19, 31-34 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Micali, Carroll and Rubin et al system as applied above, and further in view of Geiger et al (US 6463534)..

As per claims 9, 11, and 31, the modified Micali, Carroll, and Rubin et al system teaches all the claimed limitations except the limitation of transferring a software patch.

However, Geiger et al teaches the use of a software patch (see column 13 line 66 through column 14 line 8).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to transfer the software patch of Geiger et al after the revocation status reply.

Motivation to do so would have been to enable content.

Claims 12-14, 17-19, 32-34 and 40 are similarly rejected as in the claims above.

6. Claims 7, 15, 28, 36-37 rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Micali, Carroll, Rubin et

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al and Geiger et al system (in various forms as applied above) and further in view of Myers et al (RFC 2560).

As per claims 7, 15, 28, 36-37, the modified Micali, Carroll, Rubin et al and Geiger et al system (in various forms as applied above) fails to disclose sending different responses depending on the determination if the certificate is valid or revoked and whether the request was formatted correctly.

However, Myers et al teach these limitations (see section 2.2).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Myers et al's responses in the modified Micali, Carroll, Rubin et al and Geiger et al system (in various forms as applied above).

Motivation to do so would have been to obtain timely information regarding the revocation status of a certificate.

7. Claims 8, 16, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Micali, Carroll, Rubin et al and Geiger et al system (in various forms as applied above), and further in view of Simpson (PGP DH vs. RSA FAQ).

As per claims 8, 16 and 39, the modified Micali, Carroll, Rubin et al and Geiger et al system (in various forms as applied above) teaches loading the CRL and authenticating it but fails

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to disclose assuming all are revoked if the authentication fails.

However Simpson teaches this type of assumption (see page 2 last paragraph)

At the time of the invention it would have been obvious to a person of ordinary skill in the art to take Simpson's teaching of assuming the worst to assume all certificates are revoked if the authentication fails in the modified Micali, Carroll, Rubin et al and Geiger et al system (in various forms as applied above).

Motivation to do so would have been to give a margin for error.

8. Claims 24, 35 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Micali, Carroll, Rubin et al and Geiger et al system (in various forms as applied above), and further in view of Goddard (US 20020055980).

As per claim 38 the modified Micali, Carroll, Rubin et al and Geiger et al system fails to disclose terminating the communication session if the status request is bad.

However Goddard teaches such limitation (see paragraph 66).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to terminate the

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connection of the modified Micali, Carroll, Rubin et al and Geiger et al system (in various forms as applied above).

Motivation to do so would have been to prevent the connection to be used for a certain period.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Dickinson et al (US 6853988) teaches polling, SSL and CRLs; Patrick (US 20020188869) teaches CRLs, polling and SSL; Yeager et al (US 20030028585) teaches SSL and CRLs; Hope et al (US 20030079125) teaches CRLs, Polling and SSL; and Russell et al (US 20020049679) teaches CRLs, polling and SSL.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Pyzocha whose telephone number is (571) 272-3875. The examiner can normally be reached on 7:00am - 4:30pm first Fridays of the bi-week off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MJP



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